

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS F. RIVERA HERRERA,

Plaintiff,

-against-

METRO FINEST DELI; 21ST STREET DELI INC.,
et al.,

Defendants.

23-CV-10605 (LTS)

ORDER OF
DISMISSAL
UNDER 28
U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On February 18, 2011, Plaintiff was barred from filing any new action *in forma pauperis* (IFP) without first obtaining from the Court leave to file. *See Herrera v. Technical Career Institutes Admin. Offices*, No. 11-CV-0075 (LAP) (S.D.N.Y. Feb. 18, 2011), *appeal dismissed*, No. 11-1118 (2d Cir. Aug. 11, 2011). Plaintiff files this new *pro se* case, seeks IFP status, and has not sought leave from the Court. This action is therefore dismissed without prejudice for Plaintiff's failure to comply with the February 18, 2011 order.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: December 6, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge